

REMARKS

Favorable reconsideration of this application is respectfully requested in view of amendments above and the following remarks.

By virtue of the amendments above, claims 1, 4, and 6 have been amended. Support for the amendments may at least be found in the original specification at page 7, line 28, to page 8, line 5. Accordingly, claims 1-6 are pending in the present application of which claims 1 and 6 are independent.

No new matter has been introduced by way of the claim amendments or addition; entry thereof is therefore respectfully requested.

Claims 1 and 6 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 5,731,763 to Herweck et al. ("Herweck") in view of U.S. Patent No. 5,382,983 to Kwoh et al. ("Kwoh") and in view of U.S. Patent No. 4,346,424 to Hansen ("Hansen").

Claim 2 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Herweck in view of Kwoh and Hansen and in view of U.S. Patent No. 6,046,549 to James ("James").

Claim 3 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Herweck in view of Kwoh and Hansen and in view of U.S. Patent No. 6,507,794 to Hubbard et al. ("Hubbard").

Claim 4 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Herweck in view of Kwoh and Hansen and in view of U.S. Patent Application Publication No. 2002/0140571 to Hayes et al. ("Hayes").

Claim 5 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Herweck in view of Kwoh and Hansen and in view of U.S. Patent No. 3,969,886 to Yoda ("Yoda").

Claim Rejections Under 35 U.S.C. §103(a)

The test for determining if a claim is rendered obvious by one or more references for purposes of a rejection under 35 U.S.C. § 103 is set forth in *KSR International Co. v. Teleflex Inc.*, 550 U.S. ___, 82 USPQ2d 1385 (2007):

"Under §103, the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved. Against this background the obviousness or nonobviousness of the subject matter is determined. Such secondary considerations as commercial success, long felt but unsolved needs, failure of others, etc., might be utilized to give light to the circumstances surrounding the origin of the subject matter sought to be patented." Quoting *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1 (1966).

As set forth in MPEP 2143.03, to ascertain the differences between the prior art and the claims at issue, "[a]ll claim limitations must be considered" because "all words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385. According to the Examination Guidelines for Determining Obviousness Under 35 U.S.C. 103 in view of *KSR International Co. v. Teleflex Inc.*, Federal Register, Vol. 72, No. 195, 57526, 57529 (October 10, 2007), once the *Graham* factual inquiries are resolved, there must be a determination of whether the claimed invention would have been obvious to one of ordinary skill in the art based on any one of the following proper rationales:

(A) Combining prior art elements according to known methods to yield predictable results; (B) Simple substitution of one known element for another to obtain predictable results; (C) Use of known technique to improve similar devices (methods, or products) in the same way; (D) Applying a known technique to a known device

(method, or product) ready for improvement to yield predictable results; (E) “Obvious to try”—choosing from a finite number of identified, predictable solutions, with a reasonable expectation of success; (F) Known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations would have been predictable to one of ordinary skill in the art; (G) Some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention. *KSR International Co. v. Teleflex Inc.*, 550 U.S. ___, 82 USPQ2d 1385 (2007).

Furthermore, as set forth in *KSR International Co. v. Teleflex Inc.*, quoting from *In re Kahn*, 441 F.3d 977, 988 (CA Fed. 2006), “[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasonings with some rational underpinning to support the legal conclusion of obviousness.”

Therefore, if the above-identified criteria and rationales are not met, then the cited reference(s) fails to render obvious the claimed invention and, thus, the claimed invention is distinguishable over the cited reference(s).

Claims 1 and 6

Claims 1 and 6 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Herweck in view of Kwoh and Hansen. Without a disclaimer to any other reason that may have been previously raised or can be raised for traversal of this rejection, this rejection is respectfully traversed for at least the following reasons.

Amended independent claim 1 recites, *inter alia*, a remote controller (1) “ including a display unit (12) and a signal tone generating unit (13) for visually and aurally informing a user of power control information transmitted from the control means (3), wherein the power control information includes **a remaining operating time and a power ON/OFF state,**”
and

the control means (3) “including a wireless transmitting unit (31) and a wireless receiving unit (32) for communicating **wireless data including the power control information** with the remote controller (1), . . . , an MPU (42) for performing **real-time counting** by counting the clock signals generated by the clock generating unit (36) and outputting the power control information having the remaining operating time and the power ON/OFF state, and a control signal to shut off the power when a counted value is identical with the preset operating time transmitted from the remote controller (1) and stored in the memory (35), whether the counted value is identical with the preset operating time transmitted from the remote controller being determined by comparing the counted value with the preset operating time, . . .”

Herweck fails to teach or suggest at least a remote controller (1) which includes a display unit (12) and a signal tone generating unit (13) for visually and aurally informing a user of power control information transmitted from the control means (3), wherein **the power control information includes a remaining operating time and a power ON/OFF state**, and the control means (3) which includes a wireless transmitting unit (31) and a wireless receiving unit (32) for communicating **wireless data including the power control information** with the remote controller (1), and an MPU (42) for performing **real-time counting** by counting the clock signals generated by a clock generating unit (36) and outputting the power control information having the remaining operating time and the power ON/OFF state, and a control signal to shut off the power when a counted value is identical with the preset operating time transmitted from the remote controller (1) and stored in a memory (35), whether the counted value is identical with the preset operating time

transmitted from the remote controller being determined by comparing the counted value with the preset operating time, as recited in claim 1.

As conceded by the Examiner in the Office Action at page 3, Herweck does not disclose a clock generating unit (36) and MPU (42) as recited in claim 1. Furthermore, Herweck does not disclose a display unit (12) and a signal tone generating unit (13) for visually and aurally informing a user of power control information transmitted from the control means (3), wherein **the power control information includes a remaining operating time and a power ON/OFF state**. Thus, Herweck fails to teach or suggest a remote controller (1) which includes a display unit (12) and a signal tone generating unit (13) for visually and aurally informing a user of power control information transmitted from the control means (3), wherein **the power control information includes a remaining operating time and a power ON/OFF state**, and the control means (3) which includes a wireless transmitting unit (31) and a wireless receiving unit (32) for communicating **wireless data including the power control information** with the remote controller (1), and an MPU (42) for performing real-time counting by counting the clock signals generated by a clock generating unit (36) and outputting the power control information having the remaining operating time and the power ON/OFF state and a control signal to shut off the power when a counted value is identical with the preset operating time transmitted from the remote controller (1) and stored in a memory (35), whether the counted value is identical with the preset operating time transmitted from the remote controller being determined by comparing the counted value with the preset operating time, as discussed for claim 1.

Kwoh and Hansen fail to cure the above-discussed deficiency of Herweck for at least the following reasons.

First, Kwoh and Hansen do not teach or suggest an MPU (42) for performing **real-time counting** by counting clock signals generated by the clock generating unit (36) and outputting a control signal to shut off a power when a counted value is identical with a preset operating time transmitted from a remote controller (1) and stored in a memory (35) by comparing the counted value with the preset operating time.

More specifically, the Office Action at pages 8-9 asserts, with reference to Figs. 3 and 4 of Kwoh, that a clock 42 in Fig. 3 of Kwoh corresponds to a clock generating unit (36), and that a microprocessor 50 and a micro controller 60 in Fig. 3 of Kwoh together correspond to MPU (42). In the specification of Kwoh, for example, at col. 5, lines 16-19, related to Fig. 3, Kwoh discloses that the clock 42 is used for timing the operation of the time/channel programming circuit 40 and the G-code decoder 38. Kwoh also discloses using the micro processor 50 for overall control and performing the parental control functions in the disclosure, for example, at col. 4, lines 50-55, related to Fig. 3. However, while the clock 42 in Fig. 3 of Kwoh is used to synchronize date and time information and the micro processor 50 in Fig. 3 of Kwoh is used to perform parental controls to allow programming to be viewed at a specific time, the micro processor 50 in Fig. 3 of Kwoh does **not** perform real-time counting by counting clock signals from the clock 42 and outputting a control signal to shut off a power when a counted value is identical with a preset operating time by comparing the counted value with the preset operating time.

Second, Kwoh and Hansen do not teach or suggest a display unit (12) and a signal tone generating unit (13) for visually and aurally informing a user of power control information transmitted from the control means (3), wherein **the power control information includes a remaining operating time and a power ON/OFF state.**

More specifically, the Office Action at pages 6-7 asserts, with reference to Figs. 12 and 13 of Kwoh, that a liquid crystal display and a red warning light emitting diode of remote controllers 1100 in Figs. 12 and 13 of Kwoh correspond to a display unit (12) and a signal tone generating unit (13). In the disclosure of Kwoh, for example, at col. 9, lines 1-43, related to Figs. 12 and 13, Kwoh teaches that the display 1134 in Fig. 12 displays some messages, for example, "DONE" in response to key operation by the user. However, while the display 1134 in Fig. 12 of Kwoh is used to display some message in response to key operations by the user, Kwoh does **not** disclose displaying the power control information which is transmitted from the control means (3) and includes **a remaining operating time** obtained by real-time counting and **a power ON/OFF state**.

Thus, Kwoh and Hansen fail to teach or suggest at least a remote controller (1) which includes a display unit (12) and a signal tone generating unit (13) for visually and aurally informing a user of power control information transmitted from the control means (3), wherein **the power control information includes a remaining operating time and a power ON/OFF state**, and the control means (3) which includes a wireless transmitting unit (31) and a wireless receiving unit (32) for communicating **wireless data including the power control information** with the remote controller (1), and an MPU (42) for performing **real-time counting** by counting the clock signals generated by a clock generating unit (36) and outputting the power control information having the remaining operating time and the power ON/OFF state, and a control signal to shut off the power when a counted value is identical with the preset operating time transmitted from the remote controller (1) and stored in a memory (35), whether the counted value is identical with the preset operating time

transmitted from the remote controller being determined by comparing the counted value with the preset operating time, as discussed in claim 1.

Thus, for at least the foregoing reasons, the proposed combination of Herweck, Kwoh, and Hansen fails to teach or suggest all of the recited features of amended independent claim 1. The Office Action has thus failed to establish that independent claim 1 and its dependent claims are *prima facie* obvious. The Examiner is therefore respectfully requested to withdraw the rejection of independent claim 1 and its dependent claims, and to allow these claims.

Independent claim 6 recites features similar to those discussed above for claim 1. Thus, for at least the same reasons set forth earlier with respect to claim 1, the proposed combination of Herweck, Kwoh, and Hansen fails to teach all of the features of independent claim 6. Accordingly, it is respectfully submitted that a *prima facie* case of obviousness has **not** been established under 35 U.S.C. § 103 with respect to claim 6. The Examiner is respectfully requested to withdraw the rejection of claim 6, and to allow this claim.

Claim 2

Claim 2 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Herweck, Kwoh, and Hansen as applied to claim 1 above, and further in view of James. This rejection is respectfully traversed for at least the following reasons.

Claim 2 depends from claim 1. Thus, for at least the same reasons set forth with respect to claim 1, Herweck, Kwoh, and Hansen, either alone or in combination, fail to teach or suggest the above-recited features of claim 1.

James fails to overcome the above-discussed deficiencies of Herweck, Kwoh, and Hansen. More specifically, the Office Action at page 12 relies on James as showing features related to a load detecting unit (39). However, such features of James and the rest of James's disclosure fail to teach or suggest the above-recited features of claim 1.

Thus, for at least the above-discussed reasons, the proposed combination of Herweck, Kwoh, Hansen, and James fails to teach or suggest the above-discussed features of claim 2. It is respectfully submitted that the Office Action *failed* to establish a *prima facie* case of obviousness against claim 2. Accordingly, the Examiner is respectfully requested to withdraw the rejection of claim 2, and to allow this claim.

Claim 3

Claim 3 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Herweck, Kwoh, and Hansen as applied to claim 1 above, and further in view of Hubbard. This rejection is respectfully traversed for at least the following reasons.

Claim 3 depends from claim 1. Thus, for at least the same reasons set forth with respect to claim 1, Herweck, Kwoh, and Hansen, either alone or in combination, fail to teach or suggest the above-recited features of claim 1.

Hubbard fails to overcome the above-discussed deficiencies of Herweck, Kwoh, and Hansen. More specifically, the Office Action at page 13 relies on Hubbard as showing features related to a low voltage detecting unit (37). However, such features of Hubbard and the rest of Hubbard's disclosure fail to teach or suggest the above-recited features of claim 1.

Thus, for at least the above-discussed reasons, the proposed combination of Herweck, Kwoh, Hansen, and Hubbard fails to teach or suggest the above-discussed features of claim 3.

It is respectfully submitted that the Office Action *failed* to establish a *prima facie* case of obviousness against claim 3. Accordingly, the Examiner is respectfully requested to withdraw the rejection of claim 3, and to allow this claim.

Claim 4

Claim 4 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Herweck, Kwoh, and Hansen as applied to claim 1 above, and further in view of Hayes. This rejection is respectfully traversed for at least the following reasons.

Claim 4 depends from claim 1. Thus, for at least the same reasons set forth with respect to claim 1, Herweck, Kwoh, and Hansen, either alone or in combination, fail to teach or suggest the above-recited features of claim 1.

Hayes fails to overcome the above-discussed deficiencies of Herweck, Kwoh, and Hansen. More specifically, the Office Action at page 15 relies on Hayes as showing features related to a remaining operating time and ON/OFF status information. In the disclosure of Hayes, for example, at paragraphs 155 and 174, Hayes discloses retrieving a current operational status and displaying alarm and status messages. However, Hayes does not disclose using the remaining operating time counted by a real-time counting and ON/OFF status information of power. The rest of Hayes's disclosure fails to teach or suggest the above-recited features of claim 1.

Thus, for at least the above-discussed reasons, the proposed combination of Herweck, Kwoh, Hansen, Hubbard, and Hayes fails to teach or suggest the above-discussed features of claim 4. It is respectfully submitted that the Office Action *failed* to establish a *prima facie*

case of obviousness against claim 4. Accordingly, the Examiner is respectfully requested to withdraw the rejection of claim 4, and to allow this claim.

Claim 5

Claim 5 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Herweck, Kwoh, and Hansen as applied to claim 1 above, and further in view of Yoda. This rejection is respectfully traversed for at least the following reasons.

Claim 5 depends from claim 1. Thus, for at least the same reasons set forth with respect to claim 1, Herweck, Kwoh, and Hansen, either alone or in combination, fail to teach or suggest the above-recited features of claim 1.

Yoda fails to overcome the above-discussed deficiencies of Herweck, Kwoh, and Hansen. More specifically, the Office Action at page 16 relies on Yoda as showing features related to a warning or alarm made to a user. However, such features of Yoda and the rest of Yoda's disclosure fail to teach or suggest the above-recited features of claim 1.

Thus, for at least the above-discussed reasons, the proposed combination of Herweck, Kwoh, Hansen, and Yoda fails to teach or suggest the above-discussed features of claim 5. It is respectfully submitted that the Office Action *failed* to establish a *prima facie* case of obviousness against claim 5. Accordingly, the Examiner is respectfully requested to withdraw the rejection of claim 5, and to allow this claim.

Conclusion

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.


Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below.

Please grant any required extensions of time and charge any fees due in connection with this request to deposit account no. 50-5025.

Respectfully submitted,

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By


Craig W. Kronenthal
Registration No.: 58,541
(571) 327-5450

Jung H. Kim
Registration No.: 51,299

IP & T GROUP LLP
7700 Little River Turnpike
Suite 207
Annandale, VA 22003
(571) 327-5452 (facsimile)

CWK/MSK